EXHIBIT M

In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

VIDEOTAPED DEPOSITION OF TERRY W. GRINDER, DPH

September 14, 2015



100 Mayfair Royal 181 Fourteenth Street Atlanta, GA 30309 404.847.0999

Page 1

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS
IN RE: NEW ENGLAND) COMPOUNDING PHARMACY,) MDL No. 2419 INC. PRODUCTS LIABILITY) Master Docket No.: LITIGATION) 1:13-md-2419-RWZ
THIS DOCUMENT RELATES TO:) Honorable Rya W. Zobel All Actions)
VIDEOTAPED DEPOSITION OF:
TERRY W. GRINDER, DPH
Taken on behalf of the Plaintiffs
September 14, 2015
DISCOVERY LITIGATION SERVICES 100 Mayfair Royal 181 14th Street, NE Atlanta, Georgia 30309 404-847-0999



Pages 2..5

APPENANCES Continues Con					
2 Per the Plaintiffer:					Page
Company Comp					
Leader, Mallor & Nolan, DUC 4	2		2		
4 14 Union Street 4 19th 1746 5 10 1746 5 10 1747 6 15 1710-1744 6 15 1710-1741 6 16 1770-1741 6 16 1770-1741 6 1770-1741 6 1770-1741 6 1770-1741 6 1770-1741 6 1770-1741 6 1770-1741 7 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 1770-1741 8 17	_		,		
## Shirts 176	3		- 2		
### Reshville, Temesane 17219-1774 Collaboration Collabor			١,		
Section Company Comp	4		4		
Complete			_		
For the South Send Clarks, and Kathryn L.	5		,		
DANKER I. CLAYTON, ROD. 7 Richmand, Clayton & Beweridge 127 Woodmont Boulevard 8 Burkelin, Turnessee X7206 9 Urr Saint Thomas Charlet immediately Content No. 12 Surgery Center; Crossville, PLAC; Renneth R. Lister; 13 Leadering Street 13 Desdering Street 14 No. 1, March 12, 12, 12, 12, 12, 12, 12, 12, 12, 12,		gnolan@leaderbulso.com	6	Caccined biawiiim.com	
Timestal, Claystal & Bowerlidge 127 Woodmont Desilvaria 127 Woodmont Desilvaria 127 Woodmont Desilvaria 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128 128	6			For the South Bend Clinic LLD and Vathrum L.	
### ALTONIANCAL CLAYLON & SERVICE STORES *** Bashwille, Temmessee 37205 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 ** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-237-1037 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238-1038 *** 618-238		DANIEL L. CLAYTON, ESQ.	-		•
## Authorized Throws Processor 37205 ## ## ## ## ## ## ## ## ## ## ## ## ##	7	Kinnard, Clayton & Beveridge	'		
### Manual Street Street		127 Woodmont Boulevard	8		
Signature Sign	8	Nashville, Tennessee 37205			
1		615-297-1007	Q		
Per Saint Whomas Outpatient Meurochurginal Comptex, LLC, Novell Allelen a Perference and Comptending, John 3, 12	9	dclayton@kcbattys.com	_		
For Saint Thomas Outpatient Neurosurgical Center, ILC; Bewell Allen, a Professional Corporation, John W. Surgery Center, Crossville, File, M. 1975,	Į0		10		
1		For Saint Thomas Outpatient Neurosurgical Center, LLC;			
Care	L1	Howell Allen, a Professional Corporation; John W.			
Surgery Center, Croscoville, PAGC, Kanneth R. Lister, M.D., PC, and Donald R.			12		
M.D.; Renneth R. Lister, M.D., PC; and Donald E. Jones, C.	12				
Loudewille, Textucky 40202 GIGEOR, M.D.: GIGEOR, CCOPER & RESERY, PLC Subte 1100 Nashville, Temmessee 37218 GIS-224-4020 For Saint Thomas Malbh, Saint Thomas Network, and Saint Thomas Storest Thomas Storest Street For Saint Thomas Malbh, Saint Thomas Network, and Saint Thomas Storest Street For Saint State Street AND P. HAMPION, ESQ. Frankley Arant Soult Commings, LLP For Randabout Plaza, Smite 700 1500 Division Street 1502 Bradley Arant Soult Commings, LLP For Randabout Plaza, Smite 700 1500 Division Street 1503 Bradley Arant Soult Commings, LLP For Definition Street 1504 Bradley Arant Soult Commings, LLP For Definition Street 1505 Bradley Arant Soult Commings, LLP For Definition Street 1506 Bradley Arant Soult Commings, LLP For Definition Street 1507 Bradley Arant Soult Commings, LLP For Definition Street 1508 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings, LLP For Definition Street 1509 Bradley Arant Soult Commings 1509 Bradley Arant Soult Commin			13		
CHRISTOPHER TARDIO, SEO. 14 502-585-4700	3				
All	-		14		
15	Δ				
## State 1100 **Nanhville, Temmessee 37238 6			15		
Nashville, Temmessee 37238 16 BARTHOLOMEN T. PEREZE, BSO. 151-254-0400 17 18 18 18 18 18 18 18	i e		1 - 5	For Tim I. Chowdhury, M.D.	
### ### ### ### #### #### ### ### ###	LD		16		
### Sprain					
Suite 800 Thomas Hospital: Thomas Hospit	L6		17		
Columbus, Black Saint Thomas Health, Saint Thomas Network, and Saint T		cnris@gideoncooper.com			
Thomas Hospital: Thomas			18		
10	8		1 20		
ARILLE MEMORY CONTINUED CO			19		
### Bradley Arant Boult Cummings, LLP Roundabout Plaza, Suite 700 Roundabout Plaza Suit	19				
		Bradley Arant Boult Cummings, LLP			
1600 Division Street Nashwille, Tennessee 37203 615-244-2582 22 ahampton@babc.com 23 2214-761-6460 1812	0	Roundabout Plaza, Suite 700	21		
Nashville, Temmessee 37203 615-244-2582 22					
Commerce	21	Nashville, Tennessee 37203	22		
### 22			~~		
Rkanny@fraley-law.com Rkanny@fraley-law.com Rkanny@fraley-law.com Page 3 P	22		23		
APPEARANCES (Continued): Page 3 APPEARANCES (Continued): For Specialty Surgery Center and Kenneth R. Lister, M.D.: RENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLIC 611 Commerce Street 5 Suite 2500 Nashville, Tennessee 37203 615-255-8787 Kkrausesbkhlav.com For the Witness: BPUIN M. Wellis, ESQ. TOM AUMANN, ESQ. Termessee Department of Health office of General Counsel 665 Mainstrean Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wellsen.gov 1 **The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 38 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 Side Side 32436 **The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Bazakat, M.D.: Tiowas M. Bazakat, M.D.:			23		
Page 3 APPEARANCES (Continued): For Specialty Surgery Center and Kenneth R. Lister, M.D.: KENT E. KRAUSE, ESQ. Frewer, Krause, Brooks, Chastain & Burrow, FILC State Commerce Street Shachville, Tennessee 37203 Sister State Commerce Street Burrow, FILC Shack Street Shachville, Tennessee 37203 Sister State Street Berry kkrausesbkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel Office of General Counsel Second Floor Nashville, Tennessee 37243 Sister Stope State Shack Street			24	inciniyerrarey-law.com	
APPEARANCES (Continued): For Specialty Surgery Center and Kenneth R. Lister, M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLIC 611 Commerce Street 5 Suite 2500 Nachville, Tennessee 37203 615-255-5787 Kkrausebkhlav.com 7 For the Witness: 8 DEVIN M. WeLLIS, ESQ. 7 TOM ADMANN, ESQ. 7 TOM ADMANN, ESQ. 9 Termessee Department of Health office of General Coursel 10 Nashville, Tennessee 37243 615-253-5988 devin.m.wellsen.gov 11 Nashville, Tennessee 37243 615-253-5988 devin.m.wellsen.gov 12 **The following attorneys appeared via telephone** For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 38 San Jacinto Boulevard 19 Abdul R. Bazakat, M.D.: 10 **The following attorneys appeared via video stream** 10 For Defendants Ocean State Pain Management, PC, and Abdul R. Bazakat, M.D.: 11 Tiomas Street 12 Lag San Sachusetts 02108 13 Boston, Massachusetts 02108 14 Boston, Massachusetts 02108 15 Capplis, Commors & Carroll, PC 19 Tiemont Street 19 Boston, Massachusetts 02108 16 Goston, Massachusetts 02108 17 Capplis, Commors & Carroll, PC 18 Tremont Street 19 Boston, Massachusetts 02108 16 Goston, Massachusetts 02108 17 Capplis, Commors & Carroll, PC 18 Suite 330 19 Boston, Massachusetts 02108 10 Boston, Massachusetts 02108 11 Blath Street Should Street 10 Mayfair Royal 11 Ith Street NE 110 Mayfair Royal 110 Mayfair Royal 110 Mayfair Royal 111 Ith Street NE 111 Adult A. Georgia 30309 16 Tic Court Reporter: 10 The Court Reporter: 110 Mayfair Royal 111 Ith Street NE 112 McLustra Royal 112 The Court Reporter: 112 The Court Reporter: 113 The Court Reporter: 114 The Street NE 115 McLustra Royal 115 McLustra Royal 116 The Court Reporter: 117 The Court Reporter: 118 The Court Reporter: 119 The Court Reporter: 119 The Court Reporter: 110 Mayfair Royal 110 Mayfair Roya	25				
APPEARANCES (Continued): For Specialty Surgery Center and Kenneth R. Lister, M.D.: REMT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, ELLC 611 Commerce Street 100 Mayfair Royal Suite 2600 Naahville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com 5 Also Present: The Court Reporter: PAMMELA P. WHILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE 181 14th S					
APPEARANCES (Continued): For Specialty Surgery Center and Kenneth R. Lister, M.D.: REMT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, ELLC 611 Commerce Street 100 Mayfair Royal Suite 2600 Naahville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com 5 Also Present: The Court Reporter: PAMMELA P. WHILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE 181 14th S		Page 3			Page
For Specialty Surgery Center and Kenneth R. Lister, M.D.: RENT E. KRAUSE, ESO. Brewer, Krause, Brooks, Chastain & Buyrow, FLLC 611 Commerce Street 5 Suite 2600 8 Ashville, Tennessee 37203 6 Krausesebblaw.com For the Witness: 8 DEVIN M. WELLS, ESO. TOM AUMANN, ESO. 9 Tennessee Department of Health Office of General Counsel 0 65 Mainstream Drive 10 Second Floor Nashville Demensese 37243 615-235-3583 22 devin.m.wellsetn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: Thomas Hospital: YUONNE K. FUIG, ESO. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 Jyonne puigemortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: Thomas M. Botlan, III, ESO. Capplis, Commor & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 64 Brewer, Krause, Brooks, Chastain & Discovery Litigation Services 100 Mayfair Royal 4 181 14th Street NE Atlanta, Georgia 30309 404-847-0939 nashvillecourtreporter@yahoo.com 5 Moliva Miciael MTCHELL VCE Legal Videography 8 MICIAEL MTCHELL VCE Legal Videography 8 MOLLY MOORE 11 12 13 14 15 Street NE Atlanta, Georgia 30309 404-847-0939 nashvillecourtreporter@yahoo.com 6 The Videographer: 7 MICIAEL MTCHELL VCE Legal Videography 8 11 12 12 13 12 12 12 12 12 12 12 12 12 12 12 12 12	1		1	Also Present:	~
M.D.: RENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FILC 611 Commerce Street 5 Suite 2600 Nashville, Tennessee 37203 615-256-8787 Kkrauseebkblaw.com 5 Atlanta, Georgia 30309 5 Adv-847-0599 Nashville, Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin. n. wellsevin.gov 8 MCLIY MOCRE 10 Nashville, Tennessee 37243 615-253-5988 devin. n. wellsevin.gov 10 Nashville, Tennessee 37243 615-253-5988 devin. n. wellsevin.gov 10 Norton Rose Fulbright Us, Lip 98 San Jacinto Boulevard Site 1100 Austin, Texas 78701-4255 16 512-536-2450 yvonne.puig@mortonrosefulbright.com 17 MCRE 18 Tremont Street 18 Abdul R. Barakat, M.D.: 20 Abdul R. Barakat, M.D.: 21 Capplis, Commor & Carroll, PC 22 Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone) 22 Main Resporter: 22 Main Resporter: 23 Molify Mocre 24 Main Resporter: 24 Main Resporter: 25 Main Resporter: 26 Main Resporter: 27 Michael Resporter: 28 Michael Resporter: 28 Michael Resporter: 29 Michael Resporter: 29 Michael Resporter: 20				A SERVICE & SECURIORIES I	
RENT E. RRAUSE, ESO. Rewer, Krause, Brooks, Chastain & Burrow, FLLC Suite 2600 Nashville, Tennessee 37203 Allanta, Georgia 30309 State 2600 Nashville, Tennessee 37203 Allanta, Georgia 30309 Allanta, Geor	2	For Specialty Surgery Center and Kenneth R. Lister,		Mh - Carred Danasatasa	
Bryon, FLLC Silt Commerce Street Silte 2600 Nashville, Tennessee 37203 181 14th Street NE 100 Mayfair Royal 181 14th Street NE 181 14th Stre	2			The Court Reporter:	
### Burrow, FLIC 100 Mayfair Royal 181 14th Street NE 100 Mayfair Royal 181 14th Street NE 181 181 181 181 181 181 181 181 181 1		M.D.:			
Suite 2600 Nashville, Tennessee 37203 Suite 2600 Nashville, Tennessee 37203 Suite 2600 Nashville, Tennessee 37203 Suite 2605-6-8787 Kkrause@bkblaw.com Suite 2605-6-8787 Kkrause@bkblaw.com Suite 30309 Su		M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain &	2	PAMELA P. WILLIS, TLCR NO. 229	
Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: B DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Pennessee Department of Health Office of General Counsel Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONDE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@mortonrosefulbright.com *The following attorneys appeared via video stream* Abdul R. Barakat, M.D.: THOMAS M.DOLAN, III, ESQ. Capplis, Connors & Carroll, PC 13 THOMAS Hospical: YTH VICHEL MA14-40-0999 nashvillecourtreporter@yahoo.com The Videographer: The Videographer: NICHAEL MITCHELL VCE Legal Videography **MICHAEL MITCHELL VCE Legal Videography **MOLLY MOORE 10 11 12 14 15 16 17 18 19 20 21 22 21 22 21 22 21 22 23 24 24 24 25 26 27 28 28 29 20 20 21 22 21 22 22 23 24 24 26 27 28 28 28 29 20 20 20 20 20 20 20 20 20 20 20 20 20	3	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain &	2	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services	
Atlanta, Georgia 30309 Advi-847-0999 nashvillecourtreporter@yahoo.com The Videographer: The Videographer: The Videography	3	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC	2	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services	
Atlanta, Georgia 30309 kkrauseebkblaw.com For the Witness: BUNIN M. WELLS, ESQ. TOM AUMANN, ESQ. TOM AUMANN, ESQ. Temmessee Department of Health Offfice of General Counsel G65 Mainstream Drive Second Floor Nashville, Tennessee 37243 G15-253-5988 devin.m.wellsetn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: TYOWNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP S8 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 S12-536-2450 Younne.puigenortonrosefulbright.com *The following attorneys appeared via video stream* Abdul R. Barakat, M.D.: THOMAS M. DoLAN, III, ESQ. Capplis, Comnors & Carroll, PC Suite 330 Boston, Massachusetts 02108 B	3 4	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC 611 Commerce Street Suite 2600	3	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal	
For the Witness: BEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. TEMMESSE Department of Health Office of General Counsel G65 Mainstream Drive Second Floor Nashville, Temnessee 37243 G15-253-5988 devin.m. wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP S8 San Jacintto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 Yvonne.puig@mortonrosefulbright.com *The Videographer: MICHAEL MITCHELL VCE Legal Videography NOLLY MOORE 10 11 12 13 14 15 16 17 18 18 19 20 21 22 21 22 21 23 24 24 25 26 27 28 28 29 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 29 20 20 21 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 20 21 22 22 23 24 26 27 28 28 28 29 20 20 20 21 20 21 22 22 23 24 24 25 26 27 28 28 28 28 28 28 28 28 28 28 28 28 28	3 4	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC 611 Commerce Street Suite 2600	3	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE	
For the Witness: BEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. TEMMESSE Department of Health Office of General Counsel G65 Mainstream Drive Second Floor Nashville, Temnessee 37243 G15-253-5988 devin.m. wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP S8 San Jacintto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@mortonrosefulbright.com *The Videographer: MICHAEL MITCHELL VCE Legal Videography NOLLY MOORE 10 11 12 13 14 15 16 17 18 18 19 20 21 22 21 22 21 23 24 24 25 26 27 28 28 29 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 21 20 21 22 22 23 24 26 27 28 28 29 20 20 21 22 22 23 24 26 27 28 28 28 29 20 20 21 22 22 23 24 26 27 28 28 29 20 20 20 21 22 22 23 24 26 27 28 28 28 29 20 20 20 21 22 22 23 24 26 27 28 28 29 20 20 20 21 20 21 22 22 23 24 24 25 26 27 28 28 28 28 28 28 28 28 28 28 28 28 28	3 4 5	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203	3	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE	
BOTTON M. WELLS, ESQ. TOM AUMANN, ESQ. TOM AUMANN, ESQ. TOM AUMANN, ESQ. TOM AUMANN, ESQ. Tomnessee Department of Health Office of General Counsel G65 Mainstream Drive Second Floor Nashville, Tennessee 37243 G15-253-5988 Cdevin.m.wellsetn.gov *The following attorneys appeared via telephone* Thomas Hospital: Thomas Hospital: Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 S12-536-2450 Yvonne.puigenortonrosefulbright.com ywonne.puigenortonrosefulbright.com Abdul R. Barakat, M.D.: THOMAS M. Dollan, III, ESQ. Capplis, Connors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 G17-227-0722 (Telephone) 6 The Videographer: The Videography WCE Legal Videography WCE Legal Videography NOLLY MOORE 10 NOLLY MOORE 11 Tomas Hospital: 12 Thomas Hospital: 13 NOLLY MOORE 14 Department Street 15 NOLLY MOORE 16 The Videography 8 NOLLY MOORE 17 NOLLY MOORE 18 Thomas Hospital: 19 Tomas Hospital: 20 NOLLY MOORE 21 Thomas Hospital: 21 Thomas Hospital: 22 Thomas Hospital: 23 NOLLY MOORE 24 The Videography 8 NOLLY MOORE 25 NOLLY MOORE 26 The Videography 8 NOLLY MOORE 27 NOLLY MOORE 28 NOLLY MOORE 29 NOLLY MOORE 20 NOLLY MOORE 20 NOLLY MOORE 21 Thomas Hospital: 22 Thomas Hospital: 23 NOLLY MOORE 24 NOLLY MOORE 25 NOLLY MOORE 26 NOLLY MOORE 27 NOLLY MOORE 28 NOLLY MOORE 29 NOLLY MOORE 20 NOLLY MOORE 21 Thomas Hospital: 22 Thomas Hospital: 23 NOLLY MOORE 24 NOLLY MOORE 25 NOLLY MOORE 26 NOLLY MOORE 27 NOLLY MOORE 28 NOLLY MOORE 29 NOLLY MOORE 20 NOLLY MOORE 21 Thomas Hospital: 22 NOLLY MOORE 22 NOLLY MOORE 22 NOLLY MOORE 23 NOLLY MOORE 24 NOLLY MOORE 25 NOLLY MOORE 26 NOLLY MOORE 27 NOLLY MOORE 28 NOLLY MOORE 29 NOLLY MOORE 20 NOLLY MOORE 21 Thomas Hospital: 22 NOLLY MOORE 24 NOLLY MOORE 25 NOLLY MOORE 26 NOLLY MOORE 27 NOLLY MOORE 28 NOLLY MOORE 29 NOLLY MOORE 29 NOLLY MOORE 20 NOLLY MOORE 20 NOLLY MOORE 21 Thomas Hospital: 20 NOLLY MOORE 21 NOLLY MOORE 22 NOLLY MOORE 23 N	3 4 5	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787	2 3 4	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309	
DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. TOM AUMANN, ESQ. Termessee Department of Health Office of General Counsel Office of	3 4 5	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787	2 3 4	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999	
TOM AUMANN, ESQ. Temmessee Department of Health Office of General Counsel G65 Mainstream Drive Second Floor Nashville, Tennessee 37243 G15-253-5988 G2 devin.m.wells@tn.gov 3 *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP 38 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 B5 512-536-2450 Yvonne puig@nortonrosefulbright.com *The following attorneys appeared via video stream* Thomas Gean State Fain Management, PC, and Abdul R. Barakat, N.D.: THOMAS M. DOLAN, III, ESQ. Capplis, Comnors & Carroll, PC Capplis, C	3 4 5	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com	2 3 4	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999	
Temmessee Department of Health Office of General Counsel Office of General Counsel Office of General Counsel Office of General Counsel VCE Legal Videography Second Floor Nashville, Temmessee 37243	3 4 5 6 7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com	2 3 4 5	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999	
Office of General Counsel 665 Mainstream Drive Second Floor 1 Nashville, Tennessee 37243 615-253-5988 2 devin.m.wells@tn.gov 3 *The following attorneys appeared via telephone* 4 For Saint Thomas Health, Saint Thomas Network, and Saint 5 Thomas Hospital: 17 YVONNE K. PUIG, ESQ. 18 Norton Rose Fulbright US, LbP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 18 512-536-2450 yvonne.puig@nortonrosefulbright.com 99 *The following attorneys appeared via video stream* 19 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 18 Temmont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ.	2 3 4 5	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com	
Second Floor Nashville, Tennessee 37243 615-253-5588 9 MOLLY MOORE	3 4 5 6 7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, PLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ.	2 3 4 5	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer:	
Second Floor Nashville, Tennessee 37243 615-253-5988 9	3 4 5 6 7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health	2 3 4 5	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer:	
Nashville, Tennessee 37243 615-253-5988 9	3 4 5 6 7 8	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel	2 3 4 5	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL	
615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com 17 18 *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplie, Comnors & Carroll, PC 18 Tremont Street Suite 330 Boston, Messachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive	2 3 4 5 6	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL	
devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESC. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* If For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplis, Commors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone) MOLLY MOORE 10 11 12 12 13 14 15 16 17 18 19 20 21 22 21 22 23 24 24 24 24 24 24 24 26 27 28 28 29 29 20 20 20 21 22 23 23 24 24 26 27 28 29 20 20 20 21 22 23 23 24 24 26 27 28 29 20 20 20 21 22 23 23 24 24 26 27 28 29 20 20 20 21 22 23 23 24 24 24 26 27 28 28 29 20 20 20 21 21 22 23 23 24 24 26 27 28 28 29 20 20 20 21 21 22 23 23 24 24 26 27 28 29 20 20 20 21 21 22 23 23 24 24 26 27 28 28 29 20 20 20 20 21 21 22 23 23 24 24 24 25 26 27 27 27 27 27 27 27 27 27 27 27 27 27	3 4 5 6 7 8 9	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor	2 3 4 5 6	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL	
The following attorneys appeared via telephone For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 16 512-536-2450 yvonne.puig@nortonrosefulbright.com 17 18 19 *The following attorneys appeared via video stream* 19 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: Capplie, Comnors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243	2 3 4 5 6 7	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL	
The following attorneys appeared via telephone For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: T	3 4 5 6 7 8 9 L0	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988	2 3 4 5 6 7	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESC. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 16 512-536-2450 Yvonne.puig@nortonrosefulbright.com 17 18 19 *The following attorneys appeared via video stream* 19 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: Capplie, Commors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9 LO L1 L2	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988	2 3 4 5 6 7 8 9	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 16 512-536-2450 yvonne.puig@nortonrosefulbright.com 17 18 19 *The following attorneys appeared via video stream* 19 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: Capplie, Comnors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9 LO L1 L2	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov	2 3 4 5 6 7 8 9	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard 15 Austin, Texas 78701-4255 16 512-536-2450 yvonne.puig@nortonrosefulbright.com 17 18 *The following attorneys appeared via video stream* 19 *The following attorneys appeared via video stream* 10 *The proper following attorneys appeared via video stream* 11 12 THOMAS M. DOLAN, III, ESQ. Capplis, Connors & Carroll, PC 13 14 15 18 17 18 19 20 21 21 22 31 31 31 31 31 31 32 32	3 4 5 6 7 8 9 10 11 12	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov	2 3 4 5 6 7 8 9	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
YVONNE K. PUIG, ESC. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard 15 Suite 1100 Austin, Texas 78701-4255 16 17 18 19 *The following attorneys appeared via video stream* 19 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 12 THOMAS M. DOLAN, III, ESQ. Capplie, Commors & Carroll, PC 13 14 15 15 16 17 18 19 20 21 22 21 22 21 23 23 24 24 24 24 24 24 27 27 27 27 27 27 27 27 27 27 27 27 27	3 4 5 6 7 8 9 10 11 12	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Temnessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone*	2 3 4 5 6 7 8 9	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
14 98 San Jacinto Boulevard 15	3 4 5 6 7 8 9 10 11 12 13	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint	2 3 4 5 6 7 8 9 10 11 12	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
98 San Jacinto Boulevard 15 Suite 1100 Austin, Texas 78701-4255 16 8 512-536-2450 yvonne.puig@nortonrosefulbright.com 17 18 19 4 *The following attoxneys appeared via video stream* 10 *The following attoxneys appeared via video stream* 11 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 12 THOMAS M. DOLAN, III, ESQ. 13 Tremont Street 14 Suite 330 15 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9 10 11 12 13	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital:	2 3 4 5 6 7 8 9 10 11 12	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Suite 1100	3 4 5 6 7 8 9 .0 .1 .2 .3 .4	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkhlaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Temnessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: TYONNE K. PUIG, ESQ.	2 3 4 5 6 7 8 9 10 11 12 13	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Austin, Texas 78701-4255 18 512-536-2450 yvonne.puig@nortonrosefulbright.com 19 *The following attorneys appeared via video stream* 19 Tor Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 22 THOMAS M. DOLAN, III, ESQ. Capplis, Connors & Carroll, PC 23 18 Tremont Street Suite 330 24 Boston, Massachusetts 02108 617-227-0722 (Telephone) 16 17 20 20 21 22 22 23 24 24 26 27 28 29 29 20 20 20 21 22 23 23 24 24 26 27 28 29 20 20 20 21 22 23 23 24 26 27 28 29 20 20 20 20 20 20 21 21 22 23 23 24 26 27 28 29 20 20 20 20 20 20 20 20 20 20 20 20 20	3 4 5 6 7 8 9 10 11 12 13 14	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP	2 3 4 5 6 7 8 9 10 11 12 13 14	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
17 18 17 18 19 17 18 19 19 19 19 19 19 19	3 4 5 6 7 8 9 0 1 2 3 4 5 6	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard	2 3 4 5 6 7 8 9 10 11 12 13 14	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
yvonne.puig@nortonrosefulbright.com the following attorneys appeared via video stream* for Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplis, Comnors & Carroll, PC 18 Temont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9 0 1 2 3 4 5 6	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONDE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100	2 3 4 5 6 7 8 9 10 11 12 13 14 15	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
18 10 *The following attorneys appeared via video stream* 11 For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 12 THOMAS M. DOLAN, III, ESQ. 13 Tremont Street Suite 330 14 Boston, Massachusetts 02108 617-227-0722 (Telephone) 18 19 20 21 22 23 24 24 26 27 28 29 29 20 20 20 21 22 23 23 24 26 27 28 29 20 20 20 20 20 20 21 21 22 23 23 24 26 27 28 29 20 20 20 20 20 20 20 20 20 20 20 20 20	3 4 5 6 7 8 9 .0 .1 .2 .3 .4 .5 .6 .7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
The following attorneys appeared via video stream If or Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: 20 21 22 23 23 24 24 25 26 26 27 28 29 29 20 20 21 22 22 23 24 24 26 27 27 27 27 27 27 27 28 29 20 20 20 21 22 23 23 24 24 24 25 26 27 27 28 28 29 29 20 20 20 20 20 20 20 20 20 20 20 20 20	3 4 5 6 7 8 9 LO L1 L2 L3 L4 L5 L6 L7	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tom AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplie, Comnors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	3 4 5 6 7 8 9 LO L1 122 13 L4 L5 L6 L7 L8	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tom AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Abdul R. Barakat, M.D.: 20 THOMAS M. DOLAN, III, ESQ. 21 Capplis, Comnors & Carroll, PC 22 18 Tremont Street 22 Suite 330 23 44 Boston, Massachusetts 02108 24 617-227-0722 (Telephone) 25	3 4 5 6 7 8 9 LO LI	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5588 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
22 THOMAS M. DOLAN, III, ESQ. 21	3 4 5 6 7 8 9 LO L1 L2 L5 L6 L7 L8 L9 20	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkhlaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Temnessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YUONDE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream*	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Capplis, Connors & Carroll, PC 22 13 18 Tremont Street 23 Suite 330 84 Boston, Massachusetts 02108 617-227-0722 (Telephone) 25	3 4 5 6 7 8 9 L0 L1 L23 4 L5 L6 L7 L8 L9 0	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. FUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
18 Tremont Street Suite 330 23 44 Boston, Massachusetts 02108 617-227-0722 (Telephone) 25	3 4 5 6 7 8 9 10 11 12 13 14 14 15 16 17 18 18 19 19 19 19 19 19 19 19 19 19 19 19 19	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
Suite 330 23 84 Boston, Massachusetts 02108 24 617-227-0722 (Telephone) 25	3 4 5 6 7 8 9 10 11 12 13 14 14 15 16 17 18 18 19 19 19 19 19 19 19 19 19 19 19 19 19	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONDE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 Sam Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DoLAN, III, ESQ.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
84 Boston, Massachusetts 02108 24 617-227-0722 (Telephone)	3 4 5 6 7 8 9 LO L11 L2 L13 L4 L5 L6 L6 L2 22 22 22 22	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DoLAN, III, ESQ. Capplie, Comnors & Carroll, PC	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
617-227-0722 (Telephone)	3 4 5 6 7 8	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 Sam Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Paln Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DoLAN, III, ESQ. Capplie, Comnors & Carroll, PC	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
	3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 220 1122 22 22 23	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DoLAN, III, ESQ. Capplis, Conmors & Carroll, PC 18 Tremont Street	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
contanged to the contan	3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 220 122 223	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5588 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplie, Comnors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	
	3 4 5 6 7 8 9 110 111 112 113 114 115 116 117 118 119 2221 222 223 224	M.D.: KENT E. KRAUSE, ESQ. Brewer, Krause, Brooks, Chastain & Burrow, FLLC 611 Commerce Street Suite 2600 Nashville, Tennessee 37203 615-256-8787 kkrause@bkblaw.com For the Witness: DEVIN M. WELLS, ESQ. TOM AUMANN, ESQ. Tennessee Department of Health Office of General Counsel 665 Mainstream Drive Second Floor Nashville, Tennessee 37243 615-253-5988 devin.m.wells@tn.gov *The following attorneys appeared via telephone* For Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital: YVONNE K. PUIG, ESQ. Norton Rose Fulbright US, LLP 98 San Jacinto Boulevard Suite 1100 Austin, Texas 78701-4255 512-536-2450 yvonne.puig@nortonrosefulbright.com *The following attorneys appeared via video stream* For Defendants Ocean State Pain Management, PC, and Abdul R. Barakat, M.D.: THOMAS M. DOLAN, III, ESQ. Capplie, Commors & Carroll, PC 18 Tremont Street Suite 330 Boston, Massachusetts 02108 617-227-0722 (Telephone)	2 3 4 5 6 7 8 9 10 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24	PAMELA P. WILLIS, TLCR NO. 229 Discovery Litigation Services 100 Mayfair Royal 181 14th Street NE Atlanta, Georgia 30309 404-847-0999 nashvillecourtreporter@yahoo.com The Videographer: MICHAEL MITCHELL VCE Legal Videography	



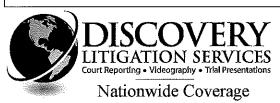
Pages 6..9

1		- INDEX	Page 6				Page
2	Witness		Page	1		- EXHIBITS -	
		RINDER, DEH	5	2	Number	Description	Page
3	Examination		11		No. 590	Tennessee Board of Pharmacy	
4	ру ви. М	olan	11	3		Newsletter Dated December 2012	116
	Examination			4	No. 591	New England Compounding Center	
5	By Mr. To Further Exa	ardio	37	_	-101 35	Customer List	110
6		olan	102)* F00		118
7	Further Ex	emination		5	No. 592	Rules of the Tennessee Board	
8		ardio	118	6		of Pharmacy, Chapter 1140-9	121
٥	Further Example Further Exampl	olan	129	7			
9				8			
10	Further Ex	amination ardio	137	9			
	Further Ex		J. J.	10			
11	By Mr. N	olan	137	j			
12 13		- EXHIBITS -		11			
13	Number		Page.	12			
14	No. 526	NECC Document (Previously Marked)	_	13			
15		(Retained by Counsel)	32	14			
	No. 572	Notice of Deposition and Subpoena	12	15			
16				16			
17	No. 573	T.C.A. 63-10-204	19	17			
/	No. 574	Hand-Drawn Diagram of					
18		Prescriber-Pharmacy-Patient		18			
19		Relationship	24	19			
	No. 575	NECC Prescription Order Form		20			
20	No. FEE	Dated July 24, 2012	24	21			
21	No. 576	State of Tennessee Board of Pharmacy License of New England		22			
		Compounding Center	41	23			
22							
23 24				24			
25				25			
			Page 7				Page
1		- EXHIBITS -		1		The videotaped deposition of TERRY W. GR	_
2	Number	Description	Page	2		aken on behalf of the Plaintiffs on	•
3	No. 577	Rules of the Tennessee Board of Pharmacy, Chapter 1140-3			-		
J		Revised 2009	36	3		14, 2015, commencing at 10:01 a.m. and	
4	No. 578	Rules of the Tennessee Board of		4	concluding	at 1:31 p.m., at the offices of Leader,	Bulso
_		Pharmacy, Chapter 1140-7		5	c Moless D	LC, 414 Union Street, Suite 1740, Nashvi	lle,
5	No. 579	Revised 1999	36		& NOLSH, P.		
6		Revised 1999	20	6		for all nurmoses under the Rederal Rule	g of
	10. 575	Tennessee Department of Health Licensure Verification Web Page		6	Tennessee,	for all purposes under the Federal Rule	s of
7	No. 580	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health		7	Tennessee, Civil Proc	edure.	s of
		Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page	42		Tennessee, Civil Proc		s of
8	No. 580	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results	42	7	Tennessee, Civil Proc	edure.	
		Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health	42	7 8 9	Tennessee, Civil Proc certificat	edure. The formalities as to notice, caption, e, et cetera, are not waived. All objec	tions,
8 9	No. 580	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page	42 46	7 8 9 10	Termessee, Civil Proc certificat except as	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv	tions,
8 9	No. 580	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy	42 46 48	7 8 9 10	Temmessee, Civil Proc certificat except as the hearing	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g.	tions, red to
8 9 10 11	No. 580 No. 581 No. 582	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report	42 46 48	7 8 9 10	Temmessee, Civil Proc certificat except as the hearing	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv	tions, red to
8 9 10 11	No. 580	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health	42 46 48	7 8 9 10	Temmessee, Civil Proc certificat except as the hearing	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g.	etions, red to
8 9 10 11	No. 580 No. 581 No. 582	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report	42 46 48 56	7 8 9 10 11 12	Temmessee, Civil Proc certificat except as the hearin 229, being	edure. The formalities as to notice, caption, e, et cetera, are not waived. All objecto the form of the questions, are reserved. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for	etions, red to ! No. the
8 9 10 11 12	No. 580 No. 581 No. 582	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health	42 46 48 56	7 8 9 10 11 12 13	Temmessee, Civil Proc certificat except as the hearing 229, being State of T	edure. The formalities as to notice, caption, e, et cetera, are not waived. All objecto the form of the questions, are reserved. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emmessee, may swear the witness and that	etions red to No. the the
8 9 10 11 12	No. 580 No. 581 No. 582 No. 583	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked	42 46 48 56 71	7 8 9 10 11 12 13 14 15	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 11 12 13	No. 581 No. 581 No. 582 No. 583	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page	42 46 48 56 71	7 8 9 10 11 12 13	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All objecto the form of the questions, are reserved. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emmessee, may swear the witness and that	etions, red to No. the the
8 9 10 11 12 13	No. 580 No. 581 No. 582 No. 583	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked	42 46 48 56 71	7 8 9 10 11 12 13 14 15	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 11 12 13 14	No. 581 No. 582 No. 583 No. 584 No. 585	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014	42 46 48 56 71	7 8 9 10 11 12 13 14 15 16 17	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 11 12 13 14 15 16	No. 581 No. 581 No. 582 No. 583	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health	42 46 48 56 71 73	7 8 9 10 11 12 13 14 15 16 17	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page. Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement. Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page. Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page.	42 46 48 56 71 73 75	7 8 9 10 11 12 13 14 15 16 17	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17 18	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Web Page Board of Pharmacy Energency Rules	42 46 48 56 71 73 75	7 8 9 10 11 12 13 14 15 16 17	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions red to No. the the
8 9 10 111 12 13 14 15 16 17 18	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page. Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement. Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page. Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page.	42 46 48 56 71 73 75	7 8 9 10 11 12 13 14 15 16 17 18 19	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by	etions, red to No. the the
8 9 10 111 12 13 14 15 16 17 18 19 20	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587 No. 588	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Featured Links Web Page	42 46 48 56 71 73 75 76 80	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by e reserved.	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17 18 19 20	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Tennessee Department of Health Board of Pharmacy Tennessee Department Links Web Page Tennessee Department of Health Board of Pharmacy Featured Links Web Page Tennessee Board of Pharmacy Tennessee Board of Pharmacy	42 46 48 56 71 73 75 76 80	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by e reserved.	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17 18 19 20 21	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587 No. 588	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Emergency Rules Tennessee Department of Health Board of Pharmacy Featured Links Web Page	42 46 48 56 71 73 75 76 80	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by e reserved.	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17 18 19 20	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587 No. 588	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Tennessee Department of Health Board of Pharmacy Tennessee Department Links Web Page Tennessee Department of Health Board of Pharmacy Featured Links Web Page Tennessee Board of Pharmacy Tennessee Board of Pharmacy	42 46 48 56 71 73 75 76 80	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by e reserved.	etions, red to No. the the
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	No. 580 No. 581 No. 582 No. 583 No. 584 No. 585 No. 586 No. 587 No. 588	Tennessee Department of Health Licensure Verification Web Page Tennessee Department of Health Licensure Verification Web Page With Barry Cadden Search Results Tennessee Department of Health Board of Pharmacy Disciplinary Actions Web Page Massachusetts Board of Pharmacy Inspection Report Tennessee Department of Health Policies Web Page and Policy Statement Tennessee Department of Health Helpful Links and Frequently Asked Questions Web Page Tennessee Board of Pharmacy Board Meeting Minutes Dated January 22-23, 2014 Tennessee Department of Health Board of Pharmacy Web Page Board of Pharmacy Tennessee Department of Health Board of Pharmacy Tennessee Department Links Web Page Tennessee Department of Health Board of Pharmacy Featured Links Web Page Tennessee Board of Pharmacy Tennessee Board of Pharmacy	42 46 48 56 71 73 75 76 80	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Temmessee, Civil Proc certificat except as the hearin 229, being State of T reading an	edure. The formalities as to notice, caption, e, et cetera, are not waived. All object to the form of the questions, are reserv g. It is agreed that Pamela P. Willis, TLCR a Notary Public and Court Reporter for emnessee, may swear the witness and that d signing of the completed deposition by e reserved.	etions, red to No. the the



Pages 10..13

	Page 10		Page 12
1	PROCEEDINGS	1	A. Yes.
2	MS. PUIG: I just want to say that Amy and	2	Q. And I'd like to make the first exhibit, a copy
3	I are appearing today on behalf of the Saint Thomas	3	of what we call the Notice of Deposition, as well as the
4	entities. And through the gracious consent of the PSC	4	subpoena, that's going to be Exhibit No. 572.
5	granted three weeks ago, I'm being allowed to appear as	5	(Exhibit No. 572 was marked.)
6	lead counsel remotely today. So I thank you for that	6	BY MR. NOLAN:
7	opportunity, but I wanted to explain that I'm not just a	7	Q. And I don't have extra copies for everybody
8	listener today. So thank you so much. Appreciate it.	8	because everyone has already received it. But one of
9	(Discussion off the record.)	9	the things, Dr. Grinder, that was attached to the
10	THE VIDEOGRAPHER: All right. This is	10	subpoena that you received is what we call a protective
11	Disk No. 1 in the videotaped deposition of Dr. Terry	11	order.
12	Grinder, taken in the matter of New England Compounding	12	And that's an order of the Court that basically
13	Pharmacy, Inc., product liability litigation. The	13	says that if if any of the lawyers reveal to you
14	deposition is being held at Leader, Bulso & Nolan in	14	what's been designated confidential information in this
15	Nashville, Tennessee. My name is Michael Mitchell, and	15	litigation, then you'd be required to keep it
16	I'm the videographer. The court reporter is Pam Willis.	16	confidential. In other words, you're not supposed to go
17	Could everybody please introduce	17	out and post it on the Internet or talk about it outside
18	yourselves for the record.	18	this context.
19	MR. NOLAN: George Nolan for the	19	Do you understand that requirement?
20	plaintiffs.	20	A. Yes.
21	MR. TARDIO: Chris Tardio for the	21	Q. All right. Where do you work?
22	Tennessee Clinic defendants.	22	A. I work at the Tennessee Department of Health
23	MS. HAMPTON: Amy Hampton and Yvonne Puig	23	for the Tennessee Board of Pharmacy.
24	on behalf of the Saint Thomas entities, including Saint	24	Q. And how long have you worked there?
25	Thomas Health, Saint Thomas Network, and Saint Thomas	25	A. Eleven years and six months.
	Dogo 44		Page 13
1	Page 11 Hospital.	1	Q. Okay. And are you a licensed pharmacist?
2	MR. CLAYTON: Daniel Clayton on behalf of	2	A. I am.
3	the plaintiffs.	3	Q. And how long have you been a licensed
4	MR. KRAUSE: Kent Krause on behalf of	4	pharmacist?
5	Specialty Surgery Center and Dr. Lister.	5	A. For approximately 33 years.
6	MR. AUMANN: Tom Aumann from the Office of	6	Q. And could you just give us a thumbnail sketch
7	General Counsel for Dr. Grinder.	7	of your educational background and training in the field
8	MR. WELLS: Devin Wells, Deputy General	8	of pharmacy.
9	Counsel, Tennessee Department of Health on behalf of	9	A. Okay. I graduated from the University of
10	Dr. Grinder.	10	Tennessee College of Pharmacy in 1982. I owned and
11	MS. PUIG: Yvonne Puig, Saint Thomas	11	operated some retail pharmacies as well as performed
12	Entities, with Amy Hampton.	12	some nursing home and hospital pharmacy.
13	THE VIDEOGRAPHER: Would the court	13	In 2 in 1993 I became a chain pharmacist,
14	reporter please swear in the witness:	14	worked for a chain for a number of years, and then
15	TERRY W. GRINDER, DPH,	15	became a district manager for a pharmacy for that chain.
16	Having been first duly sworn, was examined and	16	And in 2004, then I applied for and got the job
17	testified as follows:	17	with the Tennessee Board of Pharmacy as an investigator.
18	EXAMINATION	18	Q. And, currently, what is your position with the
19	BY MR. NOLAN;	19	Tennessee Board of Pharmacy?
20	Q. Sir, would you please state your name.	20	A. I am a pharmacist investigator.
21	A. Terry Webb Grinder.	21	Q. All right. And what are your job duties?
1		1	
22	-	22	A. We do inspections. We investigate complaints.
22 23	Q. Dr. Grinder, we are here to take your	22 23	A. We do inspections. We investigate complaints. We do follow-up visits; compliance checks; various and
	Q. Dr. Grinder, we are here to take your deposition, and do you understand that you've been asked	1	We do follow-up visits; compliance checks; various and
23	Q. Dr. Grinder, we are here to take your	23	



Pages 14..17

VID	EOTAPED DEPOSITION OF TERRY W. GRIND	ER,	DPH on 09/14/2015 Pages 1417
	Page 14		Page 16
1	pharmacies, as well as drug researchers.	1	contaminated epidural steroid injections that were
2	Q. Okay. And who do you inspect?	2	imported into Tennessee from a compounding pharmacy
3	A. Any of our licensees are subject to be	3	known as the New England Compounding Center?
4	inspected. Typically, it's the facilities rather than	4	MR. WELLS: Object to form.
5	the individuals.	5	BY MR. NOLAN:
6 -	Q. Okay. And where are they typically located?	6	Q. You can go ahead and answer.
7	A. The ones we actually inspect are in Tennessee.	7	A. I knew about the circumstances. I didn't know
8	Q. Okay. And in addition to being a pharmacist	8	about the litigation
9	investigator, have you held any other positions with the	9	Q. Okay.
10	Tennessee Board of Pharmacy?	10	A until this was served.
11	A. I have also served as an interim director on	11	Q. Well, when I ask you questions today, I'm going
12	three different occasions over my tenure, and I think	12	to be asking you about the pharmacy rules and laws as
13	the total time lapse was approximately about five years	13	they existed in Tennessee in 2011 and in 2012, before
14	of my 11 plus	14	the fungal meningitis outbreak.
15	Q. I see.	15	Do you understand that?
16	A have been dual roles.	16	A. Yes.
17	Q. Okay. And so during the approximately five	17	Q. Okay. With that in mind, could you tell us
18	years of your 11 years with the board in which you	18	what a compounding pharmacy is.
19	served as interim director of the Board of Pharmacy,	19	A. Compounding is defined in state law as the
20	could you explain what your duties included.	20	prescribing and the preparation of a patient-specific
21	A. Officially, the custodian of records for all	21	drug product.
22	the licensees, managing office staff and daily	22	Q. Okay. And so what is the difference between a
23	operations of the board, attending meetings within the	23	compounding pharmacy and a licensed pharmaceutical
24	department on behalf of of the board.	24	manufacturer?
25	Q. And so what what is the Tennessee Board of	25	A. Manufacturers, of course, would be under FDA
1	Page 15	1	Page 17 jurisdiction, and they would be manufacturing bulk
2	Pharmacy? A. We are the governing body of pharmacy and the	2	products; whereas a compounding pharmacy typically would
3	profession of pharmacy in Tennessee, promulgate rules	3	be compounding a patient-specific product based on a
4	subject to whatever authority the legislature gives us,	4	patient a prescriber-patient-pharmacy triad.
5	and we are responsible for compliance and maintaining	5	
6	the standards for pharmacy.	6	Q. Okay. And is it fair to understand that that licensed pharmaceutical manufacturers that receive
7	Q. Okay. So the board does promulgate rules and	7	the FDA oversight receive a different degree of
8	regulations that govern pharmacy practice in Tennessee?	8	oversight than do compounding pharmacies?
9	A. Yes.	9	MR. TARDIO: Object to the form.
10	Q. And does your job include being familiar with	10	BY MR. NOLAN:
11		11	
12	the pharmacy rules and laws that apply in Tennessee? A. Yes.	12	Q. You can go ahead and answer. (Clarification by the reporter.)
13	Q. Dr. Grinder, are you aware that this litigation	13	MR. NOLAN: Mr. Tardio.
14	that brings us here today arises from a fungal	14	BY MR. NOLAN:
15	meningitis catastrophe that occurred in the fall of	15	
16	2012?	16	<u>-</u>
			A. Yes, manufacturers would be under a different
17	A. I'm not sure are you asking did I know this	17	scrutiny than than a pharmacy.
18	litigation was happening, or am I	18	Q. Okay. So are drugs that are produced by
19	Q. Yes. Are you generally familiar with what the	19	licensed manufacturers, such as Pfizer, for example, FDA
20	litigation is about?	20	approved?
21	A. Not other than just from the subpoena being	21	A. Yes. If the if they're FDA inspected and
22	Q. Okay. So did you know that this litigation	22	approved, then those drugs would be approved.
23	involves a circumstance in which 16 Tennessee plaintiffs	23	Q. All right. And how is that different from



died and scores of others got sick with fungal

meningitis or other fungal infections after receiving

24

24 drugs that are made by compounding pharmacies pursuant

25 to a patient-specific prescription?

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

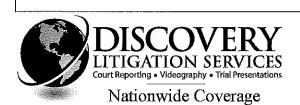
Pages 18, 21

VID	EOTAPED DEPOSITION OF TERRY W. GRIND	ER,	DPH on 09/14/2015 Pages 1821
	Page 18		Page 20
1	A. They would not be under FDA scrutiny if they	1	MR. TARDIO: Object to the form.
2	were properly compounded by a pharmacy.	2	BY MR. NOLAN:
3	Q. And do you know whether the FDA approval	3	Q. You can go ahead and answer.
4	process for a company such as Pfizer involves patient	4	MS. PUIG: Counsel, this is Yvonne. May I
5	safety?	5	interrupt only briefly? Is he looking at one in force
6	MR. WELLS: Object to form.	6	and effect in 2012 or currently?
7	THE WITNESS: I'm not sure I understand	7	MR. NOLAN: He's looking at the one that
8	that one.	8	was in force in 2012 that became effective on August
9	BY MR. NOLAN:	9	11th, 2010.
10	Q. Well, let me ask you this: Before the fungal	10	MS. PUIG: Very good. Thank you so much.
11	meningitis catastrophe, specifically, what did the law	11	I'm going to pull it up.
12	require in terms of how compounding pharmacies were	12	MR. NOLAN: Sure.
13	permitted to make and distribute medications in	13	MS. PUIG: Thank you.
14	Tennessee?	14	BY MR. NOLAN:
15	MR. TARDIO: Object to the form.	15	Q. So let me ask it this way: What does this law
16	THE WITNESS: Okay. Compounding was	16	do?
17	defined, and it involved the triad, as we mentioned	17	A. It allows a pharmacy to provide a specific
18	before, of prescriber-patient-pharmacy. Typically, it	18	medication for patients that might not otherwise be able
19	was a patient-specific order that would have not been	19	to use the next nearest commercially available product.
20	commercially available, and that also allowed for	20	Q. Okay. And so how many circumstances does it
21	anticipatory compounding, based on prescribing habits of	21	list here in which it's appropriate to compound a
22	that prescriber.	22	medication?
23	BY MR. NOLAN:	23	A. (A), (B), and (C); it'd be three.
24	Q. Okay. And and this triad of prescriber,	24	Q. Okay. And so let's talk about circumstance
25	patient, and pharmacy, is that arrangement set up for	25	(A). What is that circumstance when it's appropriate to
<u> </u>	Page 19		Page 21
1	the purpose of protecting patient safety?	1	compound a drug?
2	A. Yes.	2	A. That, again, is the triad as a result of the
3	Q. And how does it promote patient safety?	3	prescription order initiative based on the
4	 It would allow a pharmacy to compound a 	4	prescriber-patient-pharmacist relationship in the course
5	specific product for a patient that might not be able to	5	of professional practice.
6	use the next nearest commercially available product, and	6	Q. Okay. Now, let's look at circumstance (B), and
7	it would allow the oversight of the Board of Pharmacy in	7	I'm going to read that into the record.
8	that process.	8	A. Okay.
9	Q. Okay. And so where is this this law about	9	Q. It says: "In anticipation of prescription
10	the circumstances under which compounding is legal?	10	orders based on routine, regularly observed prescribing
11	Where is it found?	11	patterns."
12	A. Compounding is defined, I believe, in T.C.A.	12	Have I read that correctly?
13	63-10. And I don't have a copy with me, but I believe	13	A. Yes.
14	it would be under "Definitions" in that section.	14	Q. Okay. And is that the circumstance that you
15	Q. Let me hand you a document that we're going to	15	mentioned involving anticipatory compounding?
16	make Exhibit No. 573. And for the record, this is	16	A. Yes.
17	T.C.A. 63-10-204.	17	Q. So am I correct in understanding that if a
18	(Exhibit No. 573 was marked.)	18	particular compounding pharmacy has a customer say,
, -		۱.,	
19	BY MR. NOLAN:	19	Dr. Smith, for example and they know that Dr. Smith
	BY MR. NOLAN: Q. And let me first ask you whether this is the	20	or. Smith, for example and they know that Dr. Smith writes ten patient-specific prescriptions for a

21

23

25 Dr. Smith's custom?



law that you were mentioning a moment ago.

Okay. And so this law defines when

it's appropriate to engage in compounding; is that

Yes, it is.

21

22

24

25

Α. 23

correct?

particular medication each week, it's okay for that

that particular medicine anticipating that they will

actually receive ten patient-specific orders as is

22 pharmacy to, on Monday morning, compound ten vials of

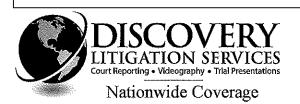
Pages 22..25

	Page 22		
1	MR. TARDIO: Object to the leading.	1	Page 2 MR. NOLAN: Of the statute?
2	BY MR. NOLAN:	2	MR. KRAUSE: Do you not have one? We've
3	Q. You can go ahead and answer.	3	got one here.
4	MR. WELLS: Object to form.	4	MR. NOLAN: We've got one.
5	THE WITNESS: Yes.	5	THE WITNESS: There is your (tendering)
6	BY MR. NOLAN:	6	MR. WELLS: Thank you.
7	Q. Okay. So that that type of "in anticipation	7	BY MR. NOLAN:
8	of prescription" orders based upon routine, regularly	8	Q. Could you hold that up to the camera and just
9	observed prescribing patterns, does it allow for the	9	explain
10	making of compounded medications in bulk and sending	10	A. Sure.
11	them to some customer without ever receiving	11	Q this to us, what this means.
12	patient-specific prescriptions?	12	A. As the patient sees the prescriber, proper
13	A. That was not the idea when the when this	13	treatment is determined, an order is sent to the
14	particular clause was put in, but I'm not an attorney.	14	pharmacy specific for that patient, and the pharmacy
15	I can't	15	dispenses it to the patient.
16	Q. Okay. Well, since you've been there, or before	16	Q. I see. Let me make that Exhibit No. 574.
17	the fungal men meningitis outbreak, has this	17	(Exhibit No. 574 was marked.)
-, 18	language, "In anticipation of prescription orders based	18	MS. HAMPTON: I'm sorry; may I see that?
19	on routine, regularly observed prescribing patterns,"	19	MR. NOLAN: Yes, you can.
20	always been in this particular law, to your knowledge?	20	BY MR. NOLAN:
20 21	MR. WELLS: Object to form.	21	Q. Let me hand you a document that we're going to
21 22	THE WITNESS: For as long as I recall,	22	make 575.
22 23		23	(Exhibit No. 575 was marked.)
	yes. BY MR. NOLAN:	24	BY MR. NOLAN:
24 25		25	
23	Q. Okay. And then am I right that the third	25	Q. And, sir, I'm going to represent to you that
	Page 23	-	Page 2
1	circumstance listed here, does that involve research or	1	this is a this is a document that has been produced
2	testing or or analysis-type endeavors?	2	in the context of this litigation to us, and it's
3	A. It does.	3	labeled "Prescription Order Form" at the top. And you
4	Q. Is that what is that, like clinical trials?	4	see NECC's logo there. And the date is July 24th of
5	Or what sort of circumstance does that come up in?		2012
_	-	5	2012.
6	A. It could be the drug researches or teaching	6	Now, as you look at this document, do you see
7	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject	6 7	Now, as you look at this document, do you see that it appears to be placing an order for two drugs,
7 8	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing.	6 7 8	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see
7 8 9	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as	6 7	Now, as you look at this document, do you see that it appears to be placing an order for two drugs,
7 8 9	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing.	6 7 8	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see
7 8 9 10	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without	6 7 8 9	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are
7 8 9 10 11	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of	6 7 8 9	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes.
7 8 9 10 11	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form.	6 7 8 9 10 11 12 13	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units.
7 8 9 10 11 12	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions?	6 7 8 9 10 11	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units.
7 8 9 10 11 12 13	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form.	6 7 8 9 10 11 12 13	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units.
7 8 9 10 11 12 13 14	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form.	6 7 8 9 10 11 12 13	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for
7 8 9 10 11 12 13 14 15	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead.	6 7 8 9 10 11 12 13 14 15	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes.
7 8 9 10 11 12 13 14 15 16	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN:	6 7 8 9 10 11 12 13 14 15	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes.
7 8 9 10 11 12 13 14 15 16 17	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead.	6 7 8 9 10 11 12 13 14 15 16 17	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see lister
7 8 9 10 11 12 13 14 15 16 17 18	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead. A. Back to the triad analogy, if any of the three	6 7 8 9 10 11 12 13 14 15 16 17	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see lister on that column?
7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead. A. Back to the triad analogy, if any of the three are missing, it would not be typical compounding.	6 7 8 9 10 11 12 13 14 15 16 17 18	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see lister on that column? A. None.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead. A. Back to the triad analogy, if any of the three are missing, it would not be typical compounding. Q. Could I give you a piece of paper, if I could,	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see liste on that column? A. None. Q. Okay. Does this order form comply with
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead. A. Back to the triad analogy, if any of the three are missing, it would not be typical compounding. Q. Could I give you a piece of paper, if I could, and ask you to just maybe draw for us kind of a	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see lister on that column? A. None. Q. Okay. Does this order form comply with Tennessee law as far as you're concerned?
7 8	A. It could be the drug researches or teaching purposes or for chemical analysis, but it's not subject to sale or dispensing. Q. And does the individual prescription rule, as found in this statute, allow for the making of of bulk medications by compounders for distribution without individual prescriptions? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Asked and answered. BY MR. NOLAN: Q. You can go ahead. A. Back to the triad analogy, if any of the three are missing, it would not be typical compounding. Q. Could I give you a piece of paper, if I could, and ask you to just maybe draw for us kind of a conceptual representation of this triad that you're	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Now, as you look at this document, do you see that it appears to be placing an order for two drugs, one of which is called methylprednisolone? Do you see that? A. Yes. Q. Okay. And how many units of this drug are being requested apparently by this order form? A. It says 500 units. Q. Okay. And you see where there is a column for the names of patients? A. Yes. Q. And so how many patient names do you see listed on that column? A. None. Q. Okay. Does this order form comply with Tennessee law as far as you're concerned? MR. TARDIO: Object to the form.



Pages 26..29

1	Page 26 BY MR. NOLAN:	1	Page 28 who would receive MPA from that particular pharmacy.
2	Q. You can go ahead and answer.	2	Do you understand so far what I've explained?
3	A. This wouldn't meet several of our requirements	3	A. Yes,
4	for a prescription order.	4	Q. Does that comply with the Tennessee rules and
5	Q. Could you tell us what requirements that does	5	laws as you understand them?
6	not meet for a prescription order.	6	MR. TARDIO: Same objections.
7	A. Number one would be the name of the patient.	7	THE WITNESS: That would not meet the
8	Q. Okay.	8	requirement for compounding.
9	A. Directions for use.	9	BY MR. NOLAN:
10	Q. Okay.	10	Q. Do you know why in the world a compounding
11	A. And that's that'd be the main thing to make	11	
	~	12	pharmacy would ask a customer to send a random list of patient names?
12	it more compliant with a prescription order.		
13	Q. Okay. Now, I'm going to represent to you that,	13	MR. TARDIO: Object to the form.
14	in addition to using order forms like the one you have	14	MR. WELLS: Object to form.
15	in front of you, one of the parties in this case, at the	15	THE WITNESS: Any any answer I would
16	request of NECC, occasionally sent lists of patient	16	have would only be speculation and
17	names to NECC that did not necessarily correspond with	17	BY MR. NOLAN;
18	who would receive the drug.	18	Q. Okay. So if a if a company planned to sell
19	So they didn't send a list every time they used	19	medications in Tennessee in bulk without individual
20	an order form like that. And the few times that they	20	patient-specific prescriptions, what type of license
21	did send a list, the names on the list did not mean that	21	would the company need?
22	the patients would actually receive that particular	22	A. A manufacturer's license.
23	medication. Okay?	23	Q. Okay. And so is that the type of license that
24	From a regulatory standpoint in Tennessee, does	24	would be required to sell FDA-approved drugs such as
25	that arrangement comply with the pharmacy rules as you	25	Depo-Medrol made by Pfizer, for example?
1			
	Page 27		Page 29
1	Page 27 understand them?	1	A. That would be either a manufacturer or a
1 2		1 2	
	understand them?		A. That would be either a manufacturer or a
2	understand them? MR. TARDIO: Object to the form.	2	A. That would be either a manufacturer or a wholesaler license.
2 3	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form.	2 3	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have?
2 3 4	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion	2 3 4	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license.
2 3 4 5	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions.	2 3 4 5	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell
2 3 4 5 6	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN:	2 3 4 5 6	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without
2 3 4 5 6 7	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer.	2 3 4 5 6 7	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions?
2 3 4 5 6 7 8	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking?	2 3 4 5 6 7 8	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so.
2 3 4 5 6 7 8 9	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point	2 3 4 5 6 7 8	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included
2 3 4 5 6 7 8 9	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a	2 3 4 5 6 7 8 9	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have
2 3 4 5 6 7 8 9 10 11	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical	2 3 4 5 6 7 8 9 10	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws?
2 3 4 5 6 7 8 9 10 11 12	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA,	2 3 4 5 6 7 8 9 10 11	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so.
2 3 4 5 6 7 8 9 10 11 12 13 14	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them.	2 3 4 5 6 7 8 9 10 11 12 13	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who
2 3 4 5 6 7 8 9 10 11 12 13 14 15	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that doesn't necessarily correspond with who's going to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call occurred, or does it mean maybe there was a call and you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that doesn't necessarily correspond with who's going to receive these particular shots. And the sales rep said,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call occurred, or does it mean maybe there was a call and you talk to a lot of people and you don't remember every
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that doesn't necessarily correspond with who's going to receive these particular shots. And the sales rep said, That's okay; just send the list anyway.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call occurred, or does it mean maybe there was a call and you talk to a lot of people and you don't remember every single call that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that doesn't necessarily correspond with who's going to receive these particular shots. And the sales rep said, That's okay; just send the list anyway. And then the local facility, the Saint Thomas	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call occurred, or does it mean maybe there was a call and you talk to a lot of people and you don't remember every single call that you A. We have lots of calls daily from lots of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	understand them? MR. TARDIO: Object to the form. MR. WELLS: Object to form. MR. TARDIO: Object to the opinion testimony and legal conclusions. BY MR. NOLAN: Q. You can go ahead and answer. A. Can we clarify exactly what you're asking? Q. Sure. What I'm saying is that at some point I'm saying that one of the parties in this case, a party called Saint Thomas Outpatient Neurosurgical Center, began buying vials of what we call MPA, methylprednisolone acetate, using order forms like this that didn't have patient names on them. A. Okay. Q. And that at some point in time, one of the sales reps for NECC asked the facility to send lists of patients. And the facility explained, Well, we really can't do that. We have lists we can print out, but that doesn't necessarily correspond with who's going to receive these particular shots. And the sales rep said, That's okay; just send the list anyway.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. That would be either a manufacturer or a wholesaler license. Q. Okay. And what type of license did NECC have? A. A pharmacy license. Q. All right. So was NECC authorized to sell medications in bulk in Tennessee without patient-specific prescriptions? A. They were not properly licensed to do so. Q. Now, has has your job ever included answering phone calls from healthcare providers who have questions about pharmacy laws? A. Very much so. Q. All right. And do you remember receiving a phone call from a pharmacist named Martin Kelvas, who was the Director of Pharmacy Services at Saint Thomas Hospital in early 2011? A. I don't recall that specific call or, you know, any specific conversation. Q. All right. So does that mean that no such call occurred, or does it mean maybe there was a call and you talk to a lot of people and you don't remember every single call that you



Pages 30..33

		,	
1	Page 30 Dr. Kelvas has already given some testimony in this case	1	Page 32 pharmacist or the manager or director of an ambulatory
2	and that during that testimony, he explained that in	2	surgery center?
3	March of 2011, a New England Compounding Center sales	3	MR. TARDIO: Object to the form.
4	representative came and met with him and solicited the	4	BY MR. NOLAN;
5	hospital's business and tried to sell the hospital	5	Q. You can go ahead and answer.
6	compounded medications.	6	A. Yes.
7	And he didn't think that that arrangement was	7	Q. Let me hand you a a document that we've
8	appropriate or legal, so he called the Tennessee Board	8	already made Exhibit No. 526 in this litigation. And,
9	of Pharmacy, and he talked with you. And according to	9	Dr. Grinder, I'm going to represent to you that this is
10	him, you basically explained two things: First, that	10	a document that was produced to us by the Saint Thomas
11	medications could only be procured from a compounding	11	Outpatient Neurosurgical Center, and it consists of some
12	pharmacy pursuant to a patient-specific prescription	12	of the written information that the New England
13	involving the three-way relationship that you've	13	Compounding Center provided to that particular clinic.
14	explained.	14	Okay?
15	A. Uh-huh.	15	And if we look on the second page, you see
16	Q. And secondly, that medications can only be	16	paragraph G, which reads "Dispensing"?
17	purchased without prescriptions from someone with a	17	A. Yes.
18	manufacturer's license.	18	Q. Okay. And I want to read it into the record.
19	Is that is Mr. Kelvas's description in that	19	It says, "Product is dispensed by patient-specific
20	regard consistent with what you would typically tell	20	prescription only. There must be a specific
21	people back in the 2011 time frame?	21	practitioner-patient-pharmacist relationship to dispense
22	MR. TARDIO: Object to the form.	22	to an individual patient or facility."
23	MR. WELLS: Object to form.	23	Have I read that correctly?
24	BY MR. NOLAN:	24	A. Yes.
25	Q. You can go ahead and answer.	25	Q. And is that statement consistent with or
	Page 31		Page 33
1	A. Yes.	1	similar to what you would tell people if they called
2	Q. Okay.	2	your office with questions about how compounding
3	MS. PUIG: Mr. Nolan, could you repeat the	3	pharmacies were supposed to work?
4	question. At the middle of it, your voice trailed off.	4	A. It would be.
5	MR. NOLAN: I think it would be best if we	5	Q. Now, I'd like to talk with you for a moment, if
6	had the court reporter read back the question.	6	I could, about the rules that apply to the the
7	MS. PUIG: Very good. Thank you so much.	7	labeling of compounded medications.
8	(Requested portion read.)	8	Are you generally familiar with those rules?
9	MR. NOLAN: And could you go ahead and	9	A. Yes.
10	read the answer.	10	Q. And could you tell us basically how compounded
11	COURT REPORTER: The answer was "yes."	11	medications were supposed to be labeled if they were
12	BY MR. NOLIAN:	12	being distributed to patients in Tennessee.
13	Q. So when back in the 2011 time frame, if	13	A. A prescription label should include at least
14	someone called with a question about buying medications	14	the patient's name, drug name and strength, and
15	from a compounding pharmacy, what would you typically	15	directions for use, as well as the date it was
16	tell them?	16	dispensed.
17	A. We would have told them that a compounding	17	Q. And have you brought with you today a vial of
18	pharmacy could only dispense products that's prepared	18	methylprednisolone acetate that the Tennessee Board of
19	under the triad definition of compounding, and it had to	19	Pharmacy procured during its inspection of the Saint
20	be patient specific.	20	Thomas Outpatient Neurosurgical Center?
21	Q. And is that the explanation that you would give	21	A. Actually, it was procured, I think, by the

22 Department of Health --

23 Q.

24 A.

25 have a vial.



to anyone who would call with a question like that?

same answer, whether the person calling is a hospital

Okay. So would that mean you would give the

Yes, it is.

22

23

24

25

-- not the Board of Pharmacy. But, yes, I do